

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DOMINIQUE MERRIMAN,

No. 2:20-cv-0771 AC P

Plaintiff,

v.

MEGAN LOWRY,

ORDER and

Defendant.

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se. Plaintiff's complaint in this case was filed on April 15, 2020, and challenges the conduct of psychologist and sole defendant M. Lowry on February 11, 2019. ECF No. 1. Plaintiff is currently proceeding on the same claim and related claims against defendant Lowry and others in another action he earlier filed in this court. See Merriman v. Lowry et al., Case No. 19-1445 TLN KJN (see e.g., ECF No. 8 at 3).¹ Due to the duplicative nature of the instant case, the undersigned will recommend that this action be dismissed.

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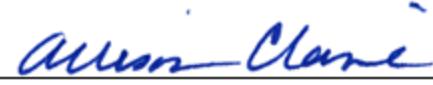
¹ This court may take judicial notice of its own records and the records of other courts. See United States v. Howard, 381 F.3d 873, 876 n.1 (9th Cir. 2004); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980); see also Fed. R. Evid. 201 (court may take judicial notice of facts that are capable of accurate determination by sources whose accuracy cannot reasonably be questioned).

1 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to
2 randomly assign a district judge to this case; and

3 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See
4 Fed. R. Civ. P. 41(b).

5 These findings and recommendations are submitted to the District Judge assigned to this
6 case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within Twenty-one (21) days after
7 being served with these findings and recommendations, plaintiff may file written objections with
8 the court. The document should be captioned "Objections to Magistrate Judge's Findings and
9 Recommendations." Plaintiff is advised that failure to file objections within the specified time
10 may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th
11 Cir. 1991).

12 DATED: April 20, 2020

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14 **ALLISON CLAIRE**
15 **UNITED STATES MAGISTRATE JUDGE**

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